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8	Attorneys for Plaintiff
9 10	UNITED STATES DISTRICT COURT
11	NORTHERN DISTRICT OF CALIFORNIA
12	SAN JOSE DIVISION *E-FILED - 2/6/06*
13	UNITED STATES OF AMERICA, ) No. CR 05-00342-RMW
14	Plaintiff, )
15	v. STIPULATION AND ORDER RESCHEDULING STATUS HEARING
16	DAVID LEON GARCIA,  ) AND EXCLUDING TIME )
17 18	Defendant. )
19	
20	IT IS HEREBY STIPULATED by the undersigned that the status hearing in this case,
21	currently scheduled for February 13,, 2006 at 9:00 a.m. be vacated and rescheduled for Monday,
22	February 27, 2006 at 9:00 a.m. The parties further stipulate that the court may exclude the
23	period of time from February 13, 2006 through and including February 27, 2006 from the
24	computation of the period of time within which the trial must commence for the reasons set forth
25	in the proposed order below.
26	It is so stipulated.
27	Dated: 02-02-06
28	JOHN N. GLANG Assistant U.S. Attorney

STIPULATION AND ORDER RESCHEDULING STATUS HEARING DATE AND EXCLUDING TIME

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1	02-02-06 /S/
2	Dated: ROBERT W. LYONS
3	Attorney for David Leon Garcia
4	<u>ORDER</u>
5	Based upon the stipulation of the parties, it is hereby ordered that the status hearing in this
6	case, previously scheduled for February 13, 2006 at 9:00 a.m., be vacated and rescheduled for
7	Monday, February 27, 2006 at 9:00 a.m.
8	Pursuant to Title 18, United States Code, Section 3161(h), the court excludes the period of
9	time from February 13, 2006 through and including February 27, 2006 from the computation of
10	the period of time within which the trial must commence. The court FINDS that the ends of
11	justice served by the delay outweigh the best interest of the public and the defendant in a speedy
12	trial. The court bases this finding on the need to afford counsel for the defendant additional time
13	to review discovery provided by the government and to engage in settlement discussions with the
14	government and as time necessary for effective preparation, and to ensure continuity of counsel
15	due to counsel for the defendant's previously scheduled vacation plans to be in Hawaii on
16	February 13, 2006 and his recently-concluded lengthy homicide jury trial in Alameda County
17	Superior Court, within the meaning of 18 U.S.C. Section 3161(h)(8)(B)(iv).
18	It is so ordered:
19	Dated:/S/ RONALD M. WHYTE
20	RONALD M. WHYTE United States District Judge
21	Sinica States District vaage
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